

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 TIMOTHY R. FOLTZ,

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE,
Commissioner of Social Security,

12 Defendant.

Case No. C08-5285BHS-JKA

ORDER ADOPTING REPORT
AND RECOMMENDATION

13
14 This matter comes before the Court on the Report and Recommendation of the
15 Honorable J. Kelley Arnold, United States Magistrate Judge (Dkt. 18). The Court having
16 considered the Report and Recommendation, Plaintiff's failure to file objections, and the
17 remaining record, does hereby find and order:

18 (1) The Court adopts the Report and Recommendation; and

19 (2) This matter is **REMANDED** to the administration for further proceedings and
20 Plaintiff's request that the Court assign a new Administrative Law Judge on remand is
21 **DENIED**. The administration retains full discretion as to the assignment of this matter.

22 DATED this 28th day of January, 2009.

23
24 

25 BENJAMIN H. SETTLE
26 United States District Judge
27
28

ORDER